

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

LESLIE JONES,

Plaintiff,

Case No. 2:04-cv-01933 ALA (P)

vs.

LIEUTENANT E. SANDY, et al.,

Defendants.

ORDER

Plaintiff Leslie Jones (“Petitioner”) is proceeding *pro se* and *in forma pauperis* in this civil rights action pursuant to 42 U.S.C. § 1983. Before this Court is Petitioner’s “Motion for Request of the Court to Order Department of CDCR to Produce [Witness Tyrone Wright] for Trial.” (Doc. 134.) For the reasons set forth below, Petitioner’s motion is DENIED WITHOUT PREJUDICE.

I

On May 7, 2008, Petitioner filed a motion for the attendance of incarcerated witnesses at trial (Doc. 111) which this Court granted in part and denied in part (Doc. 124). In relevant part, the Court denied Petitioner’s motion regarding prospective witness Tyrone Wright because the

1 evidence presented in the record indicated that he was no longer incarcerated. (Doc. 124 at 2.)¹

2 II

3 In the instant motion, Petitioner asserts that Wright's parole has been revoked and that
4 Wright has been in custody since March of 2008. (Doc. 134 at 1.)² Petitioner has failed to
5 demonstrate that the individual in custody at the Rio Cosumnes Correctional Center ("RCCC") is
6 the same person Petitioner seeks to have testify at trial. For example, the prison identification
7 numbers do not match and there is no other identifying information (i.e., birthdates) to confirm
8 that this is the same person. Furthermore, Petitioner has failed to demonstrate that Wright is
9 subject to the jurisdiction of the CDCR.

10 III

11 For the foregoing reasons, Petitioner's motion (Doc. 134) is DENIED WITHOUT
12 PREJUDICE.

13 ////

14 DATED: November 4, 2008

15 _____ /s/ Arthur L. Alarcón
16 _____ UNITED STATES CIRCUIT JUDGE
Sitting by Designation

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20 _____
21 ¹ T. Davis, a California Department of Corrections and Rehabilitation ("CDCR")
employee, stated in a declaration filed on August 18, 2008 that she conducted an inmate search
22 and found that Wright paroled in October 2007 and was no longer incarcerated at a CDCR
facility. (Doc. 120-1 (T. Davis Decl. ¶ 3).)

23
24 ² Petitioner claims that "[w]e have determined that Inmate Wright (B-70098) is currently
being housed at the 'Rio Consuness [sic] Correctional Facility,' located on Bruceville Rd.[] in
25 Elk Grove, CA. Inmate Wright is being held on a new charge and a parole hold, and has been
26 since March of 2008, and before T. Davis, declaration[.]" (*Id.*)